



Department of Defense INSTRUCTION

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AD-A283 108

June 1, 1994
NUMBER 1322.21



USD(P&R)

SUBJECT: The Educational Leave Program For Continuing Public and Community Service

- References:**
- (a) Public Law 102-484, "National Defense Authorization Act for Fiscal Year 1993," October 23, 1992
 - (b) Title 38, United States Code
 - (c) Title 10, United States Code
 - (d) DoD Instruction 1000.13, "Identification (ID) Cards for Members of the Uniformed Services, Their Dependents, and Other Eligible Individuals," December 30, 1992
 - (e) through (j), see enclosure 1

A. PURPOSE

This Instruction establishes policy, assigns responsibilities, and prescribes procedures for the educational leave program for continuing public and community service under Section 4463 of reference (a) (hereafter referred to as "educational leave"). An eligible member on active duty may use educational leave to pursue a program of education or training, including an internship (hereafter referred to as "education or training") to develop skills relevant to the performance of public and community service.

B. APPLICABILITY AND SCOPE

This Instruction applies to:

1. The Office of the Secretary of Defense and the Military Departments including the Coast Guard, under agreement with the Department of Transportation when it is not operating as a Military Service in the Navy. The term "Military Services," as used herein, refers to the Army, the Navy, the Air Force, the Marine Corps, and the Coast Guard.

2. Any member of the Military Services who:

a. Is on active duty and is eligible for basic educational assistance under Chapter 30 of 38 U.S.C. (reference (b)) and who meets the following requirements:

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(1) In the case of an enlisted member, the completion of at least one term of enlistment and subsequent reenlistment.

(2) In the case of an officer, the completion of the initial period of obligated service on active duty.

b. Meets criteria under Section 708 of 10 U.S.C. (reference (c)) that require the completion of any incurred period of extension of enlistment or reenlistment, or any incurred period of obligated service. The Military Service concerned may waive this limitation for a member who enters into an agreement to serve in the Ready Reserve of a Reserve component for a period equal to the uncompleted portion of a member's period of service. The period in any such agreement shall be in addition to any other period that a member is obligated to serve in a Reserve component.

c. Has a military occupational specialty or rating that is not readily transferable to the civilian sector.

d. Is not being separated under a program in which the member is eligible and approved for voluntary separation incentive (VSI) or special separation benefit (SSB) pay. A member previously approved for VSI or SSB, but not yet separated, may not withdraw the VSI or SSB application for the purpose of applying for educational leave.

e. Is not eligible for retired pay, including eligibility under the temporary early retirement authority, established by Pub. L. No. 102-484, Section 4403 (reference (a)); would not become eligible for retired pay within 1 year of applying for educational leave; or is not already approved for retired pay. A member previously approved for retirement, but not yet retired, may not withdraw the retirement application for the purpose of applying for educational leave.

f. Is not in an administrative category, or pending an administrative action, that would result in less than an honorable discharge.

g. Meets additional eligibility criteria established by the Secretary of the Military Department concerned.

C. POLICY

It is DoD policy that:

1. Educational leave rounds out the package of transition benefits for active duty personnel in addition to other transition programs.

2. Education or training includes DoD programs or civilian programs approved for Department of Veterans Affairs benefits that lead to degree completion or certification. Education or training develops skills that are relevant to performance in the following public and community service areas:

- a. Elementary, secondary, or postsecondary school teaching or school administration.
- b. Support of elementary, secondary, postsecondary school teaching or school administration.
- c. Law enforcement.
- d. Public health care.
- e. Social services.
- f. Public safety.
- g. Emergency management.
- h. Public housing.
- i. Conservation.
- j. Environment.
- k. Job training.

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3. The Military Service concerned may establish an educational leave of absence program as provided by Pub. L. No. 102-484 (1992) (reference (a)). The authority to grant a leave of absence under this program shall expire on September 30, 1999, and applications must be approved by this date.

D. RESPONSIBILITIES

1. The Under Secretary of Defense for Personnel and Readiness shall:

- a. Establish policy and provide guidance for educational leave.

b. Provide annually to the Military Services the "Enlisted Military Occupational Codes Without Equivalent DoT (Dictionary of Occupational Titles) Codes and those with DoD-Unique DoT Codes" (hereafter referred to as "the occupational skills list"). The occupational skills list is a data base that links military occupational specialty codes to U.S. Department of Labor's DoT codes, and standard occupational codes.

c. Ensure that the Director, Defense Manpower Data Center, annually provides the occupational skills list to the Under Secretary of Defense for Personnel and Readiness (USD (P&R)).

d. Ensure that procedures are developed as required in accordance with policy prescribed in DoD Instruction 1000.13 (reference (d)).

2. The Comptroller of the Department of Defense shall ensure that the Director, Defense Finance and Accounting Service, allows the Military Services, through established reporting procedures, to identify periods of education or training, periods of duty, and periods of normal leave for the recomputation of pay, leave, and allowances for a member during the period of educational leave.

3. The Secretaries of the Military Departments may establish educational leave consistent with this guidance, shall coordinate their programs with the USD(P&R) before implementation and shall ensure the Direct Deposit System is used by program participants.

E. PROCEDURES

1. The Military Services shall use the occupational skills list to identify skills that are not readily transferable to civilian occupations, and may modify the list to define additional skills. Since the list identifies enlisted skills only, the Military Services may develop a list of eligible officer communities, specialties, or categories. The Military Services shall coordinate their enlisted and officer (if applicable) listings with the USD(P&R) before implementation. If a Military Service does not establish educational leave, that Services' listings shall not be promulgated.

2. Application and Approval

a. A member applying for educational leave shall receive assistance from personnel and educational officers, as determined by the Military Service concerned, including ensuring a member's

eligibility under 38 U.S.C. (reference (b)) and providing application processing.

b. Eligibility under reference (b) provides a member with the opportunity to use the Montgomery GI Bill in accordance with DoD Directive 1322.16 (reference (e)) for educational leave if previously enrolled. A member shall not be permitted to use tuition assistance in accordance with policy prescribed in DoD Directive 1322.8 (reference (f)) to pay for any program of educational leave. This shall not prevent a member from applying for financial aid through the institution concerned.

c. An eligible member is not entitled to educational leave based solely on a request. Educational leave must be approved by the Military Department concerned. The order separating the member from active duty shall not be issued to a member until completion of the member's educational leave.

d. If approved for educational leave, a member shall enter into a written agreement that establishes a date of separation from active duty not to exceed 1 year from date of approval and that obligates the member to:

(1) Pursue diligently employment in public service and community service organizations, as defined by Section 1143a of 10 U.S.C. (reference (c)), upon separation from active duty.

(2) Serve in the Ready Reserve of an Armed Force upon separation for a period of 4 months for each month of the period of educational leave.

(3) Register with the public and community service personnel registry after completion of the educational leave. A copy of the registry confirmation form shall be filed in a member's personnel records.

e. Preseparation counseling shall be made available, at least 90 days before separation, to a member being discharged from active duty, upon completion of educational leave, under procedures prescribed in DoD Instruction 1332.36 (reference (g)). The Military Department concerned may establish a counseling location best facilitating this process for a member and counselor.

3. A member approved for educational leave shall be subject to DoD Directive 1327.5 (reference (h)) and the policy in this Instruction. Educational leave shall not exceed 1 year from date

of approval, and this time shall not be extended for a member, including for the purpose of completing a degree or obtaining certification.

4. A member on educational leave shall for administrative and accountability purposes be assigned in accordance with the procedures of the Military Service concerned. A member may, at the discretion of the Military Service concerned, remain under the administrative control of the current unit of assignment or be administratively controlled by another designated unit or designated training agency. The procedures for the administrative control of a military member whose spouse is on educational leave may be determined by the Military Service concerned. Permanent change of station moves and associated entitlements shall not be permitted for a member assigned in the United States for the purpose of participating in educational leave.

5. While on educational leave, a member shall be paid basic pay but may not receive basic allowance for quarters (BAQ), basic allowance for subsistence (BAS), variable housing allowance (VHA), or any other pay and allowances to which a member would otherwise be entitled for such period. A member participates in an active duty status and retains entitlement to, along with the dependent(s), active duty benefits (e.g., Government life insurance, healthcare, and commissary and exchange privileges).

6. Tracking and Verifying Educational Leave Progress, Periods of Leave, and Duty Status

a. A member shall provide, before program commencement, a comprehensive course or training schedule covering the entire duration of the program. This includes scheduled school breaks, projected normal leave, and projected times a member plans to return to the unit of assignment for duty, and shall be verified in writing by an appropriate official (e.g., registrar, student advisor, training superintendent) at the educational or training institution.

b. The Military Departments shall develop procedures to ensure that members are provided the opportunity to update verified schedules and leave and duty projections with the designated units of assignment as required. A member shall provide certification of satisfactory program progress every quarter through grade cards, training reports, or written notification from an appropriate official at the school or training agency that certifies such member's satisfactory performance in the program.

c. A member continues to accrue leave, even though educational leave is considered to be nonchargeable leave. Leave shall be charged during all scheduled school breaks, regardless of length, except when a member returns to duty with either the designated unit of assignment or with an approved unit in the local area of the member's educational leave site.

d. A member who reports to the unit of assignment during scheduled school breaks, or takes leave, shall receive active duty administrative support and benefits, including BAQ, BAS, VHA, and any other pay and allowances to which otherwise entitled for that period. The carry-over of leave that exceeds 60 days at the end of the fiscal year shall not be authorized. The designated unit of assignment shall be responsible to maintain leave and duty information, provide this information as required to DFAS, and ensure personnel and finance records are updated according to Service procedures.

7. The period during which a member is on educational leave shall be counted for computing basic pay and determining time in grade for promotion purposes, but may not be counted for completion of the term of enlistment, or for purposes of Section 1421 of 38 U.S.C. (reference (b)), relating to supplemental educational assistance. A member shall not be permitted to begin educational leave before agreeing, in writing, to complete the established enlistment period. However, when required, a member's enlistment may be extended under procedures established by the Military Department concerned (i.e., completion of oath of enlistment and appropriate extension documents) up to the date of commencement of educational leave and before the member begins educational leave.

8. Promotion consideration procedures for a member approved for educational leave shall be consistent with procedures prescribed by the Military Department concerned for a member being considered for promotion with an established date of separation. A promotion occurring after the application is approved but before commencement of educational leave remains valid, and a member shall be permitted to decline educational leave for the purpose of accepting promotion. A promotion occurring after the application is approved, after the date of separation is established, and after commencement of educational leave remains valid only if a member will meet promotion requirements before the established date of separation as determined by the Military Department concerned. Hardship and humanitarian discharges for a member on educational leave shall be processed on an individual basis as deemed appropriate by

existing active duty procedures as defined by the Military Department concerned. The Ready Reserve commitment remains valid upon separation for each month of the period of educational leave completed.

9. Overseas education and training programs may have limitations in meeting degree-granting or certification requirements; therefore, educational leave shall not be performed overseas. To provide the opportunity for an overseas member to participate in education or training offered in the United States, a member, if approved for the program, shall return to the United States on permanent change of station orders after completing the current overseas tour as required, and must be eligible for subsequent assignment in accordance with DoD Directive 1315.7 (reference (i)). The Military Department concerned shall determine the location to which a member is assigned at the beginning of educational leave.

10. A member on educational leave residing in military family housing may be permitted to remain in that housing on a rental basis if the installation commander or housing authority determines that space permits it. A member shall request to remain in military family housing at least 30 days prior to commencement of educational leave. Non-program personnel shall not be displaced or otherwise negatively affected. The rental basis shall be equivalent to BAQ for an active duty member of the same grade as the member on educational leave. A member shall comply with all regulations governing housing occupancy during the period of occupancy. The Military Department concerned may establish payment schedules and may waive a portion or all of the rent when deemed appropriate due to hardship or substandard quality of quarters.

11. A member on educational leave residing in military barracks may be permitted to remain in that barracks on a rental basis if the commuting distance from installation to place of education or training is not greater than 100 miles (one way), and the installation commander or housing authority determines that space permits it. A member shall request to remain in military barracks at least 30 days prior to commencement of educational leave. The Military Department concerned may establish the rental basis, payment schedules and procedures to maintain room standards, accomplish room inspections as required, and accommodate the storage of personal possessions in Government supply rooms. The military dining hall privilege shall continue for an otherwise eligible member at the Government-approved rate.

12. A member on educational leave shall not be counted for purposes of any provision of law that limits the active duty strength of the member's Armed Force. The Military Department concerned shall develop procedures to ensure that a member remains accounted for in an active duty status while not being counted against end strength. The maintenance of unit strength and accountability files for a member on educational leave may be developed as required and determined by the Military Department concerned.

13. The Military Department concerned may cancel educational leave for a member if it is determined that such member is not satisfactorily pursuing the program of education or training for which educational leave was granted, or for disciplinary or adverse administrative reasons. A member remains vulnerable to all administrative requirements and screening (e.g., drug testing, weight standards, and fitness qualification), as defined or required by the Military Department concerned. If educational leave is canceled because of unsatisfactory performance or adverse administrative reasons, a member may be directed to report to duty at the designated unit of assignment, and the separation date for the member may be accelerated from the date originally established at the discretion of the Military Department concerned.

14. In time of war or of national emergency declared by the President or the Congress, the Military Department concerned may cancel educational leave. Consideration may be given by the Military Department concerned, on a case-by-case basis, to allow a member who, after review, is near degree completion or certification, to complete educational leave.

15. A member shall be administratively separated on completion of educational leave by regulations prescribed by the Military Department concerned regarding the honorable separation of active duty members.

16. Entitlement to transportation of personal property and travel to home of record, place from which called (or ordered) to active duty, or to home of selection, as applicable, is prescribed in the Joint Federal Travel Regulations, Volume 1, (reference (j)). Procedures for providing such transportation to a member upon separation from the Service are found in regulations of the Military Department concerned.

F. EFFECTIVE DATE AND IMPLEMENTATION

This Instruction is effective immediately. The Military Departments shall forward two copies of implementing documents to the Under Secretary of Defense for Personnel and Readiness within 120 days.

A handwritten signature in dark ink, appearing to be 'ED', with a long horizontal line extending to the right.

Edwin Dorn
Under Secretary of Defense
Personnel and Readiness

Enclosure
References

REFERENCES, continued

- (e) DoD Directive 1322.16, "Montgomery GI Bill (MGIB) Program," May 11, 1994
- (f) DoD Directive 1322.8, "Voluntary Education Programs for Military Personnel," July 23, 1987
- (g) DoD Instruction 1332.36, "Preseparation Counseling for Military Personnel," February 14, 1994
- (h) DoD Directive 1327.5, "Leave and Liberty," September 24, 1985
- (i) DoD Directive 1315.7, "Military Personnel Assignments," January 9, 1987
- (j) Joint Federal Travel Regulations, Volume 1, current edition